

The Madison County Plan Commission on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, John Orick, Patrick Manship, and Mark Gary.

Members Absent: Phil Isom, Larry Crenshaw, John Simmermon and Wesley Likens.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken with four members, Isom, Crenshaw, Simmermon and Likens being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Gary made a motion to approve the minutes with the corrections as stated. Member Orick seconded the motion. The vote was unanimous in favor of the motion.

Continued Petitions:

1. **Petition:** **2009-Z-1** **Zoned: CR** (Tabled at the 9/8/09 and 10/27/09 Mtgs.)
 Address: 5260 South SR 67
 Location: East side of SR 67, approximately ¼ mile north of CR 600 South
 Petitioner: Douglas Cummins Contact: Monica Neff
 Request: Rezone 0.625 acres from CR (Conservation Residential) to GC (General Commercial).

Director Wilson stated this petition was tabled by the Technical Review Committee pending additional information. This is the 3rd continuance of this petition. Staff is asking that if any additional information is to be submitted to the file it needs to be done so within 15 days from today. If it is not received it is recommended the petition be withdrawn. Petitioners have received copies of this so they are aware of staff's recommendation. Contact will be made again with the petitioners after the Commission's decision.

There were no remonstrators present.

Member Orick made a motion to continue Petition #2009-Z-001 until the next meeting unless staff does not receive the needed information within the 15 days it would be asked to be withdrawn.

Member Gary seconded the motion.

The vote was unanimous in favor of the motion.

Director Wilson informed the Commission that after each meeting on every petition he sends out a letter of what the Commissions decided. With this particular case he would call Mrs. Neff and speak with her to let her know what's going on.

Petition #2009-Z-001 has been continued until the next meeting.

New Business:

1. **Petition:** **2009-Z-002** **Zoned: GC**
Address: 3707 North SR 9 Anderson
Location: West side of SR 9 between CR 300 North and CR 400 North
Petitioner: Joyce C. Hartle, Owner Contact: William C. Kreegar
Request: Requesting Rezoning from GC (General Commercial) to R2 (Single Family Residential)
 to legally establish a single family dwelling.

Joyce Hartle and her attorney Bill Kreegar, 1424 E 8th Street, Anderson were present representing this request.

Mr. Kreegar told the Commission that Mrs. Hartle is seeking to rezone the property from General Commercial (GC) to Residential (R2). Mrs. Hartle has lived at the property for 45 years and she was unaware that her property was rezoned in 2002 to commercial zoning when the Comprehensive Plan was updated. She is in the process of refinancing the property and can't get this done due to the rezoning change. She owns 1.79 acres to the south which she is not asking to be rezoned as she is content with that being zoned commercial. The building to the rear had at one time had been used for commercial but is now being used for storage.

Director Wilson informed the Commission staff recommends approval of the zoning request.

- ◇ The subject site is an approximately 0.93-acre parcel located along the west side of SR 9 North, just north of the City of Anderson. This request would rezone the parcel from the General Commercial (GC) district to the Residential 2 (R2) classification to legally establish a single-family dwelling. The Comprehensive Plan recommends commercial development for a portion of this site and residential for the remainder. The Technical Review Committee provides a unanimous favorable recommendation for this request.
- ◇ In 2001, this parcel, along with all neighboring parcels that front along State Road 9 North, was rezoned to the General Commercial District during the update of both the Comprehensive Plan and the *Madison County Land Use & Development Code*. The reason for that rezoning was to encourage commercial development along State Road 9, as well as the other major thoroughfares throughout the County. However, during that update, existing site conditions and uses were not considered for all parcels and some parcels were rezoned to a classification that did not represent the existing use/conditions of the site.

1. *Does the proposal comply with the Comprehensive Plan?*

No. The site is along SR 9 North, a primary arterial, just north of the City of Anderson. However, the site has been used for residential purposes for at least 30 years with single-family dwellings to the north and west of this site; therefore, reflecting an established development pattern for this area.

2. *Would the proposed classification be consistent with current conditions, the character of current structures and uses in the immediate districts:*

Yes. The structure was constructed as a residential dwelling and has been used as one since. Further, the site is bordered to the north, west and south by residential development.

3. *Would the proposed classification be consistent with the most desirable use for which the land is adapted?*

Yes. The structure is a residence and the surrounding properties are also being used for residential purposes. Although the Comprehensive Plan recommends commercial development for this site, it is unlikely that this site would be developed commercially due to the abundance of underutilized commercial properties along this corridor.

4. *Does the proposal substantially conserve property values throughout the jurisdiction:*

Yes. This property is surrounded by residential uses and this will guarantee that those properties will continue to be bordered by a residence.

5. *The proposal is reasonable in regard to responsible development and growth?*

Yes. As previously stated, the west side of State Road 9 North is developed with single-family dwellings.

Ruth Burkhart who owns property to the south was present.

Mrs. Burkhart told the Commission the building is not being used as storage by the owner but she leases it out. There is also a large dumpster that has been there for approximately two years.

Director Wilson stated the only thing before the Commission is the house. The existing building is zoned R2.

Mr. Kreegar to the Commission Mrs. Hartle would agree not to only use the existing building for storage and not to lease it out for income. She is just concerned with getting the house rezoned to residential so she can refinance.

Proper notification was given.

There were no remonstrators present.

Member Orick made a motion to forward Petition #2009-Z-002 to the County Commissioners with a favorable recommendation per staff recommendation.

Member Manship seconded the motion.

Petition #2009-Z-002 was given a favor able recommendation.

2. **Petition:** **2009-W-007** **Zoned: AG**
 Address: 4516 South CR 800 West, Lapel

Location: CR 800 West approximately $\frac{3}{4}$ mile south of CR 400 South
Petitioner: Indiana Trust & Investment Management Company Contact: James O. Anderson
Request: Requesting Waiver of Subdivision Control Ordinance to provide for a 31 acre, 2628.86 foot by 513.91 foot lot, resulting in a length 5.12 times greater than the width. (Section 3.4 of the Ordinance states the maximum length not permitted to exceed 3.5 times the width, or 1,798.7 feet for this lot)

James Anderson, Attorney was present representing the petitioners.

James Anderson, 800 Main Street, Anderson, IN, Suite 200.

The Commission was informed proper notification was given.

Mr. Anderson informed the Commission this is for a width to depth ratio. They have submitted plans and will be going before the Plat Review Committee for an Administrative Plat. At the present time there are plans to build on the site.

There were no remonstrators present.

Member Wilson made a motion, seconded by Member Manship to approve Petition #2009-W-007. The vote was unanimous in favor of the motion. **Petition #2009-W-007 was approved.**

3. Miscellaneous

Director Wilson distributed the schedule for 2010 to the Commission and asked the Commission to look it over as it will be discussed at the December meeting.

Director Wilson stated a memo had been passed out this morning concerning the Hamptons Subdivision. It is located at the southeast corner of St. Rd. 13 and Co. Rd. 800S. This will be the same as what the Commission did with Rafart Farms. The memo is to notify the Commission that the rezoning of the Hamptons is to revert back to Agricultural from the PUD. Staff will be notifying Centex Homes and the property owners that are involved. Madison Landing Subdivision will not be involved as Pendleton has annexed it into their town limits.

Member Wilson made a motion, seconded by Member Orick to place this on the December meeting and that proper notification be given to all interested parties. The vote was unanimous in favor of the motion.

Member Wilson made a motion, seconded by Member Orick to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 10:05:58 A.M.

Beverly Guignet, Secretary